

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	Case No. 1:16-CR-00453-RJS-2
)	
Plaintiff,)	
)	Hon. Richard J. Sullivan
-vs-)	United States District Judge
)	
GERSON PELAGIO SUAREZ,)	
)	
Defendant.)	

DEFENDANT'S MOTION FOR EXTENSION OF TIME

Gerson Pelagio Suarez, Defendant herein, proceeding pro se, herewith moves for an additional period of two additional week, until Monday, December 7, 2020, to file a supplemental letter addressing both the government's arguments and the impact of *United States v. Brooker*, 976 F.3d 228 (2d Cir. 2020).

1. On Friday, November 20, 2020, the Sixth Circuit handed down a decision in *United States v. Jones*, Case No 20-3701, 2020 US App. LEXIS 36620, and the 7th Circuit handed down an opinion in *United States v. Gunn*, Case No 20-1959, 2020 US App. LEXIS 36612. Both of the cases interpret *Brooker*, and more significantly, *Jones* reportedly addresses issues relating to the application of *Dillon v. United States*, 560 U.S. 817 (2010) to decisions on motions brought under 18 U.S.C. § 3582(c)(1)(A)(i).

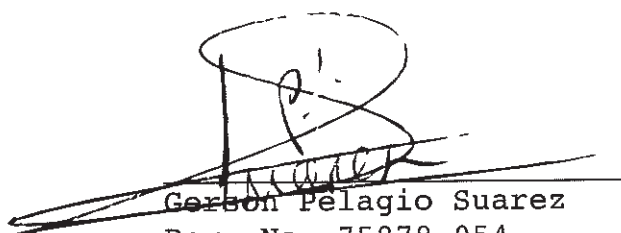
2. Additionally, Defendant is housed at FCI Fort Dix, which is experiencing the second worst COVID-19 outbreak in the BOP, with 238 inmates reportedly ill as of November 20, 2020. A result of this outbreak has been a lockdown preventing inmates from access to the law library for research and preparation of motions.

3. Defendant has arranged to obtain copies of the *Jones* and *Gunn* decisions, and will have those within a week or so. Because of these additional precedential decisions, which may be of persuasive authority in this case, and because of restrictions caused by the pandemic, he requires additional time.

4. Good cause having been shown, this Court should permit Suarez to file a responsive letter by Monday, December 7, 2020.

WHEREFORE, this *Motion* should be granted. The statements of fact made herein are true, under penalty of perjury.

Executed November 21, 2020



Gerson Pelagio Suarez
Reg. No. 75878-054
FCI Fort Dix
P.O. Box 2000
Joint Base MDL, NJ 08640

Defendant's request is GRANTED. Accordingly, IT IS HEREBY ORDERED THAT Defendant shall file his responsive letter by December 7, 2020.

SO ORDERED:



Dated: 11/27/2020 RICHARD J. SULLIVAN
U.S.C.J., Sitting by Designation

CERTIFICATE OF SERVICE

I herewith certify pursuant to 28 U.S.C. § 1746 that I have transmitted a manually-signed original of the foregoing *Motion for Extension of Time* by placing the same in the legal mail system at FCI Ft. Dix, first-class mail, postage prepaid, and addressed to the following:


Ruby J. Krajick
Clerk of Court
U.S. District Court for the
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

and I have served a true and complete copy of the same by depositing said document in the aforesaid legal mail system, first-class mail, postage prepaid, addressed to the following:

Brendan Francis Quigley
U.S. Attorney's Office, SDNY
1 St. Andrew's Plaza
New York, NY 10007

The foregoing statements are true under penalty of perjury.

Executed November 21, 2020



Gerson Pelagio Suarez

